



# 2024 AMENDMENTS IN BRIEF

In April 2024, the U.S. Sentencing Commission approved amendments to the federal sentencing guidelines. For a more detailed discussion of the policy determinations made by the Commission, please refer to the *Reason for Amendment* in the “Reader-Friendly” and Official Text (link in QR code).

## Youthful Individuals

The amendment makes several revisions to **§5H1.1 (Age (Policy Statement))**, which addresses the relevance of age in sentencing. The amended language provides more broadly that **age “may be relevant in determining whether a departure is warranted.”**

The amendment adds language specifically providing that a downward departure may be warranted in **cases in which the defendant was youthful at the time of the instant offense or any prior offenses.**



### THE ISSUE

## Advancements in Knowledge

The Commission received testimony and comment from experts in the science and data community conveying advancements in the understanding of youthful development and sentencing, including recognition of the age-crime curve and that cognitive changes lasting into the mid-20s affect individual behavior and culpability.

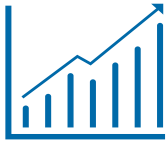
The Commission has a statutory responsibility under 28 U.S.C. § 991(b)(1)(C) to establish and amend sentencing policies to reflect such “advancement in knowledge of human behavior as it relates to the criminal justice process.”

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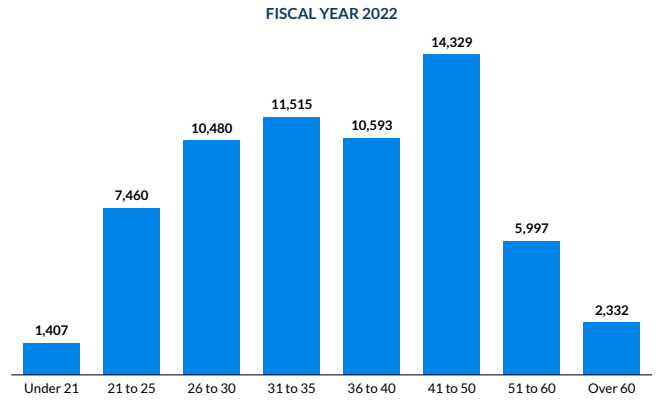




## FACTS & FIGURES

### Age at Instant and Prior Offenses

In fiscal year 2022, approximately 14% of all federally sentenced individuals were age 25 or younger at sentencing. Approximately 5% of all individuals sentenced in fiscal year 2022 were previously convicted and received criminal history points for an offense committed before the age of 18.

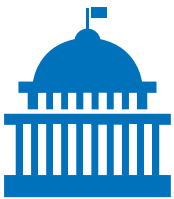


## EXPERT TESTIMONY & PUBLIC COMMENT

The amendment reflects expert testimony indicating that certain risk factors may contribute to youthful involvement in criminal justice systems, while protective factors, including appropriate interventions, may promote desistance from crime.

Testimony was provided by neuroscientists and psychologists as well as the executive branch, Federal Public Defenders, advisory groups, criminal justice experts, victims, and formerly incarcerated individuals.

The Commission also received extensive public comment submissions citing recent brain development research studies.



## RELATED STATUTES

### 28 U.S.C. § 991(b)

The purposes of the United States Sentencing Commission are to—

- (1) establish sentencing policies and practices for the Federal criminal justice system that—
  - (A) assure the meeting of the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;
  - (B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; and
  - (C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and
- (2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

### 28 U.S.C. § 994(d)

The Commission in establishing categories of defendants for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, with respect to a defendant, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

- (1) age;
- (2) education;
- (3) vocational skills;
- (4) mental and emotional condition to the extent that such condition mitigates the defendant's culpability or to the extent that such condition is otherwise plainly relevant;
- (5) physical condition, including drug dependence;
- (6) previous employment record;
- (7) family ties and responsibilities;
- (8) community ties;
- (9) role in the offense;
- (10) criminal history; and
- (11) degree of dependence upon criminal activity for a livelihood.